

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF CHARLESTON)

CASE NO.: 2018-ES-10-0696

IN THE MATTER OF: THE)
ESTATE OF KENYA L.)
MANIGAULT)

**ORDER GRANTING PETITION FOR
ALLOWANCE OF CREDITOR'S CLAIM**

DARALYN MANIGAULT,)

Petitioner,)

v.)

VIRGIL J. GREEN, as Personal)
Representative of the Estate of)
Kenya L. Manigault,)

Respondent.)

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Date of Hearing:	December 10, 2019
Presiding Judge:	Tamara C. Curry
Petitioner:	Daralyn Manigault
Petitioner's Attorney:	C. Mac Gibson, Jr., Esq.
Respondent:	Virgil J. Green
Respondent's Attorney:	Ittriss J. Jenkins, Esq.
Court Reporter:	Kendra Kay Johnson

THIS MATTER comes before the Court upon a Petition for Allowance of Creditor Claim filed by Petitioner Daralyn Manigault on July 5, 2019. Present at the hearing were Petitioner Daralyn Manigault, along with her attorney, C. Mac Gibson, Esq., and Ittriss J. Jenkins, Esq., counsel for Respondent Virgil J. Green, Personal Representative of the Estate of Kenya L. Manigault. Also present was S. Gervais McNeal of Smith-McNeal Funeral Home.

After considering the testimony and evidence presented at the hearing, the record in this matter, and the laws of the State of South Carolina, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Decedent, Kenya L. Manigault, died intestate on March 10, 2018, a resident of Charleston County, South Carolina.
2. This Court has subject matter jurisdiction over this matter and venue is proper pursuant to S.C. Code Ann. §§ 62-1-302, 62-1-303.
3. This Court finds that proper notice was given to all parties with an interest in this matter pursuant to S.C. Code Ann. § 62-1-401.
4. The Decedent was survived by her husband, Virgil J. Green. The Decedent was deemed to have been predeceased by one daughter, Faith Manigault.
5. Respondent Virgil J. Green was appointed as Personal Representative of the Estate of Kenya L. Manigault by Order of this Court dated April 12, 2018.
6. On January 30, 2019, Petitioner Daralyn Manigault filed a Statement of Creditor's Claim in the amount of Eleven Thousand Nine Hundred Thirty-Three Dollars and 56/100 (\$11,933.56). Petitioner stated that the basis of the claim was payment for the funeral services of the Decedent. Along with her Statement of Claim, the Petitioner also filed an invoice from Smith-McNeal Funeral Home for services rendered for the Decedent.
7. The Respondent, as Personal Representative of the Estate, filed a Notice of Allowance with this Court on April 25, 2019. In his Notice of Allowance, the Respondent stated that the claim was allowed; however, the claim could not be paid because there were insufficient funds in the Estate.
8. On April 26, 2019, the Respondent, as Personal Representative of the Estate, filed a Notice of Disallowance with this Court stating that the claim was disallowed in full.

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9. The Petitioner filed a Summons and Petition for Allowance of Creditor's Claim with this Court on July 5, 2019, pursuant to S.C. Code Ann. § 62-3-806.
10. At the hearing, S. Gervais McNeal, of Smith-McNeal Funeral Home, testified that he met with both the Petitioner and the Respondent to make funeral arrangements for the Decedent.
11. Mr. McNeal further testified that, due to the circumstances regarding the Decedent's death, a joint funeral was planned for the Decedent, the Decedent's mother, the Decedent's father, and the Decedent's daughter.
12. Mr. McNeal testified that the Petitioner assigned a portion of the proceeds that she was due under a life insurance policy for the Decedent with Primerica Life Insurance Company to the Smith-McNeal Funeral Home, in order to pay for the funeral expenses.
13. Mr. McNeal also testified that, although the funds from the life insurance company were used to pay for four (4) funerals, a separate invoice was generated for each funeral. Mr. McNeal further testified that the invoice attached to the Petitioner's Statement of Creditor's Claim is an accurate invoice of the funeral expenses of the Decedent.
14. The Petitioner testified that she and her brother, Kelly Manigault, were the beneficiaries of the life insurance policy; however, all of the life insurance proceeds under the policy with Primerica Life Insurance Company were made payable to her.
15. Pursuant to S.C. Code Ann. § 62-3-803(c), all claims against a decedent's estate which arise at or after the death of the decedent are barred against the estate unless presented within the later of eight months after it arises, or one year after the decedent's death.

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16. Pursuant to S.C. Code Ann. § 62-3-804(1), the claimant must file a written statement of the claim, in the form prescribed by rule, with the probate court in which the decedent's estate is under administration. S.C. Code Ann. § 62-3-804.
17. In this case, the Petitioner filed a Statement of Creditor's Claim on Form 371ES and the claim was filed with the Charleston County Probate Court on November 13, 2018, therefore, it was presented in the manner described in Section 62-3-804(1) and within the time limited prescribed by Section 62-3-803(c).
18. The Respondent contends that the Petitioner should not be reimbursed for the funeral expenses of the Decedent because she was not the sole beneficiary under the life insurance policy with Primerica Life Insurance Company.
19. However, the issue before this Court is not whether the entire life insurance proceeds should have been paid directly to the Petitioner, but whether the Statement of Creditor's Claim filed by the Petitioner is a valid estate debt for which the Petitioner is entitled to reimbursement.
20. "One who provides the reasonable funeral expenses of a deceased person is entitled to recover them back from his estate as money justly due on a quasi contract, which the law implies and imputes to the personal representative, on the ground that the administrator or executor is bound under the law to provide a decent funeral from the assets of the estate." Waters v. Register, 76 S.C. 132, 56 S.E. 849, 849 (1907).
21. The Petitioner presented evidence and testimony to this Court that funeral expenses for the Decedent in the amount of \$11,933.56 were paid by the Petitioner through an assignment of life insurance proceeds from the Petitioner to Smith-McNeal Funeral Home.

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22. Furthermore, no evidence was presented by the Respondent which would indicate that the funeral expenses paid by the Petitioner are not a valid estate debt.

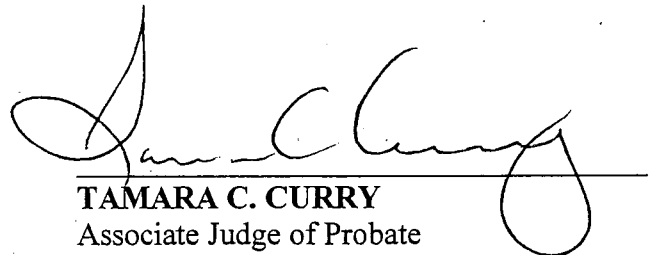
23. Therefore, this Court finds that the Statement of Creditor's Claim filed by the Petitioner in the amount of Eleven Thousand Nine Hundred Thirty-Three Dollars and 56/100 (\$11,933.56) is a valid estate debt pursuant to S.C. Code Ann. § 62-3-803.

24. This Court further finds that the Petitioner is entitled to repayment from the Estate of Kenya L. Manigault in the amount of \$11,933.56 for the funeral expenses of the Decedent. Therefore, based upon the foregoing, it is hereby

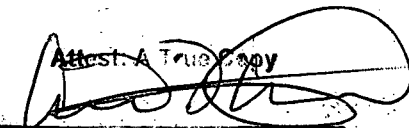
ORDERED, ADJUDGED, AND DECREED that Petitioner Daralyn Manigault's Petition for Allowance of Creditor's Claim is hereby **GRANTED** in the amount of Eleven Thousand Nine Hundred Thirty-Three Dollars and 56/100 (\$11,933.56) and shall be paid in accordance with the laws of the State of South Carolina; it is further

ORDERED, ADJUDGED, AND DECREED that this Order is subject to such further Orders of this Court as may become necessary.

IT IS SO ORDERED.


TAMARA C. CURRY
Associate Judge of Probate
Charleston County

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This 3 day of January, 2020
Charleston, South Carolina.


Attest: A True Copy
Clerk, Probate Court
Charleston County, South Carolina